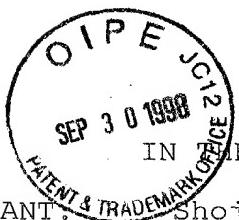


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PATENT
Docket No. 760-248P

IN THE U.S. PATENT AND TRADEMARK OFFICE

APPLICANT: Shoji TSUJI et al.

APPL. NO.: 09/101,132

GROUP: Unknown

FILED: June 30, 1998

EXAMINER: Unknown

FOR: cDNA FRAGMENT OF CAUSATIVE GENE OF SPINOCEREBELLAR
ATAXIA TYPE 2

**INFORMATION DISCLOSURE STATEMENT
(SUBMISSION AFTER FILING OF AN APPLICATION
BUT BEFORE FINAL REJECTION OR NOTICE OF ALLOWANCE
OR CONCURRENTLY WITH A RULE 53(d) CPA APPLICATION)**

Assistant Commissioner for Patents
Washington, DC 20231

September 30, 1998

Sir:

Pursuant to 37 C.F.R. §§ 1.97 and 1.98, applicant(s) hereby submit(s) an Information Disclosure Statement for consideration by the Examiner.

I. LIST OF PATENTS, PUBLICATIONS OR OTHER INFORMATION

The patents, publications or other information submitted for consideration by the Office are listed on PTO-1449, attached hereto.

II. COPIES (check at least one box)

a. Submitted herewith is a legible copy of (i) each U.S. and foreign patent; (ii) each publication or that portion which caused it to be listed; and (iii) all other information or that portion which caused it to be listed.

b. Some or all of the documents listed on the PTO-1449 are not enclosed because they were cited in the International Search Report and copies should already be in the PTO file. If copies are needed, please contact the undersigned.

III. CONCISE EXPLANATION OF THE RELEVANCE
(check at least one box)

a.

DOCUMENTS NOT IN THE ENGLISH LANGUAGE

A concise explanation of the relevance of all patents, publications or other information listed that is not in the English language is as follows:

H. Mukai, *Protein, Nucleic Acid, Enzyme*, Vol. 41, No. 5, pp. 585-594 (1996) is cited in the present specification at page 6, lines 24-26.

Y. Setoguchi, *Experimental Medicine*, Vol. 12, No. 15 (Extra Edition), pp. 114-121 (1994) and H. Kanegae et al., *Experimental Medicine*, Vol. 12, No. 15 (Extra Edition), pp. 34-40 (1994) are cited in the present specification at page 10, line 27 to page 11, line 1.

b.

DOCUMENTS IN THE ENGLISH LANGUAGE

All of the patents, publications or other information are in the English language. No statement of relevancy is required.

c.

ENGLISH LANGUAGE SEARCH REPORT

An English language version of the search report or action which indicates the degree of relevance found by the foreign office is attached, thereby satisfying the requirement for a concise explanation. See MPEP 609(A)(3).

d.

OTHER

The following additional information is provided for the Examiner's consideration.

FEES

IV. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(b):
(check one box)

a.

within three months of the filing date of a national application (37 C.F.R. § 1.97(b)(1)). No fee or statement is required.

b.

within three months of the date of entry of the national stage as set forth in §1.491 in an international application (37 C.F.R. § 1.97(b)(2)). No fee or statement is required.

c. _____ before the mailing date of a first Action on the merits (37 C.F.R. § 1.97(b)(3)). No fee or statement is required. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the statement under 37 C.F.R. § 1.97(e) below, or, if no statement has been made, charge our deposit account in the amount of \$240.00 as required by 37 C.F.R. § 1.17(p).

V. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(c):
(check one box)

before the mailing date of a Final Office Action under 37 C.F.R. § 1.113 (See 37 C.F.R. § 1.97(c)(1)) or before the mailing date of a Notice of Allowance under 37 C.F.R. § 1.311 (See 37 C.F.R. § 1.97(c)(2)).

- a. _____ No statement; therefore, a fee in the amount of \$240.00 as required by 37 C.F.R. § 1.17(p).
or
b. _____ See the statement below. No fee is required.

VI. STATEMENT UNDER 37 C.F.R. § 1.97(e) (check only one box)

The undersigned hereby states that

- a. _____ each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS; or
b. _____ no item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application and, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

c. _____ Some of the items of information were cited in a communication from a foreign Patent Office. As to this information, the undersigned states that each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby states that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application and, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

VII. PAYMENT OF FEES (check one box)

— A check in the amount of \$240.00 as required by 37 C.F.R. § 1.17(p) is enclosed for the above-identified fee.

— Please charge Deposit Account No. 02-2448 in the amount required by 37 C.F.R. § 1.17(p) for the above-indicated fee. A triplicate copy of this paper is attached.

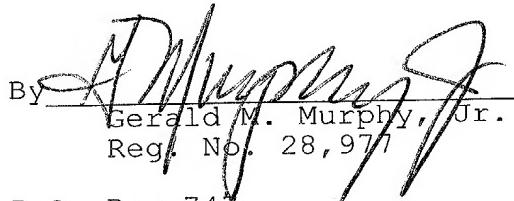
X No fee is required.

If the Examiner has any questions concerning this IDS, he/she is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule (with a petition if necessary) and charge the appropriate fee to Deposit Account No. 02-2448.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 CFR §1.16 or under §1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
Gerald M. Murphy, Jr.

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(703) 205-8000

GMM/las

Enclosures:

- PTO-1449
- Documents
- Foreign Search Report
- Fee
- Other:

(Rev. 6/15/98)
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